REMARKS

INTRODUCTION

In accordance with the following, reconsideration of the allowability of the pending claims is respectfully requested.

Claims 1, 3-7, 13 and 15 are pending and under consideration.

REJECTION UNDER 35 USC §112

Claims 3-6 stand rejected under 35 USC §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In view of the above amendments to the claims clarifying the claims consistent with Applicants remarks filed August 22, 2007, it is respectfully submitted that this rejection is now moot. Again, these amendments have been made to clarify the claimed invention counter to the interpretations presented in the previous Office Action, while in conformity with the detailed description and applicants originally intended breadth and scope.

It is requested that this rejection be withdrawn.

REQUEST FOR EXAMINER COMMENTS

As noted in at least MPEP 707.07(f), the Examiner is required to answer and address all traversals. This requirement is in addition to any repetition of a previously held position and is required to allow the applicant a chance to review the Examiner's position as to these arguments and to clarify the record for appeal.

Additionally and as further noted in MPEP 707.07(f), a failure of the Examiner to address the applicant's traversals can be deemed a failure to rebut these arguments so as to admit that the arguments have overcome the rejection. At the very least, the failure to address the applicant's traversals would render the Examiner's decision to again reject the claims arbitrary and capricious and invalid under the Administrative Procedures Act, 5 U.S.C. § 706, the standard under which such rejections are reviewed in view of Dickinson v. Zurko, 527 U.S. 150, 50 USPQ2d 1930 (1999).

In this regard, it is noted that in response to applicants detailed comments filed August 22, 2007, in the Advisory Action issued September 6, 2007, the Examiner did not address any of applicants remarks.

For example, applicants set forth a particular traversal of the Office Action's reliance on the recent Supreme Court KSR decision, pointing out the inaccuracies in the Office Action's reliance on the same. Applicants incorporate by reference those same comments and respectfully request the Examiner either explain why applicants interpretation of KSR was incorrect or supply the requested evidenced reason of the proposed combination, again noting that KSR again states that a conclusory statement of obviousness is insufficient. Applicants further again note that KSR does not stand for any combination being obvious; there must still be a reason for the same evidenced in the record.

Similarly, applicants further set forth detailed remarks regarding the Office Action's suggested addition of a memory of Chaiken et al., US Patent No. 6,223,283, into the system of Kim et al., US Patent No. 5,961,647, in that the Office Action was proposing to further modify such a system beyond what either disclosure disclosed or suggested, alone or in combination. Again, applicants incorporate by reference their previous remarks and request that any further Office Action fully address the same.

For example, applicants particularly pointed out that a combination of familiar elements, i.e., a memory into the system of Kim et al., would only provide Kim et al. with a memory to perform similar features as disclosed in either of Kim et al. or Chaiken et al.

A proposed new function or operation of such memory requires additional evidenced reasons for such a modification. Applicants respectfully request the Examiner provide the same in record, i.e., applicants respectfully request the Examiner explain why a combination of Kim et al. and Chaiken et al. would not merely set forth a memory to perform the features described in either reference, compared to the Office Action's reliance on that added memory to peform the claimed features.

REJECTION UNDER 35 USC §103

Claims 1, 3-7, 13 and 15 stand rejected under 35 USC §103(a) as being obvious over Kim et al., US Patent No. 5, 961,647, in view of Chaiken et al., US Patent No. 6,223,283. This rejection is respectfully traversed.

By way of review, independent claim 1 sets forth:

"[a]n apparatus for controlling the power of a monitor, comprising:
a computer selectively outputting a predetermined signal when the computer is powered on and off;
a monitor to receive the predetermined signal and selectively performing powering on

and off of the monitor according to the predetermined signal; and

a video card processing and transmitting a video signal to the monitor;

wherein the predetermined signal output from the computer is output from a predetermined pin of the video card,

wherein the predetermined signal is transmitted to the monitor independent of whether the monitor is powered on and independent of whether the monitor is powered off, and

wherein, when the monitor is powered off, a memory of the monitor is powered by the predetermined signal to provide the computer access to monitor information stored in the memory."

First, it is not clear from the Office Action how the Examiner was interpreting some of the previously recited alternative language. Thus, though applicants had particularly argued and pointed out that a proposed alternative reading of any "or" features would be improper, it is believed that the Office Action's rejections may have been based on the same. Accordingly, with the above amendments to the claims, it is respectfully submitted that any such an alternative interpretation of the claims would clearly now be improper.

In response to the Office Action rejection, the below is again repeated, and applicants respectfully request an further Office Action to particularly point out why applicants non-obviousness remarks are unpersuasive. In addition, applicants further request the next Office Action clarify exactly how each claim feature is being interpreted <u>and</u> where the purported <u>reason</u> for the Office Action suggested modification of <u>Kim et al.</u> can be found in the record.

If the Office Action relied upon reason for further modifying the memory added to <u>Kim et al.</u>, based upon the addition of the memory of <u>Chaiken et al.</u> to <u>Kim et al.</u>, is not evidenced in any relied upon reference, then applicants respectfully request an affidavit from the Examiner acknowledging the Examiner's knowledge of the purported reason for further modifying such memory added to <u>Kim et al.</u>

Thus, as previously noted, regarding <u>Kim et al.</u>, the Office Action indicates that <u>Kim et al.</u> discloses all the claimed features except that "Kim et al. fails to explicitly teach the monitor including a memory storing monitor information wherein the information is provided to the computer whether the monitor is powered on or off as claimed."

Here, FIGS. 4 and 5 of <u>Kim et al.</u> illustrate a computer system supplying data to a monitor through cable lines 300 and power supply 120 of the computer system further providing a 5V signal to the monitor, and in particular to the monitor on/off power switching circuit 250. As illustrated in FIG. 4, the 5V signal may be provided to a MICOM microcomputer (separate from

the switching circuit 250), with the MICOM controlling the sending of on/off control signals to the switching circuit 250 to control on/off power supply.

It is further noted that Kim et al. does not appear to set forth any further capabilities or requirements for the MICOM other than controlling the on/off control signals.

Next, beginning on page 4, the Office Action sets forth that Chaiken et al. "teaches that it is known to provide a monitor with a memory storing monitor information and that it is conventional for the BIOS to read/download the monitor information in a monitors ROM during initialization," citing FIG. 2 and col. 1, lines 45-59, of Chaiken et al.

Briefly, this type of EDID data discussed in Chaiken et al. is stored in a ROM which may typically be a PROM or EPROM.

After pointing out that Chaiken et al. discloses the storage of such EDID data in a memory in the monitor, the Office Action again repeats that a focus of Kim et al. is to reduce undue power and that the above-mentioned MICOM can be used with a switching circuit to reduce overall power usage.

Then, further on page 4, the Office Action sets forth a *first* proposed obviousness modification of Kim et al., stating that it would have been obvious to modify Kim et al. to have the memory of Chaiken et al. "in order to provide the computer and BIOS with monitor information for initializing and configuring the computer."

Directly, thereafter on page 4, the Office action sets forth a *second* proposed obviousness modification of the modified Kim et al., i.e., the modified Kim et al. with the ROM having the EDID information, stating "it would have been obvious ... to locate the memory with the MICOM switching circuit components and power the memory from the 5 volt power signal of Kim in order to provide power to the memory whether the monitor is powered on or off because this would allow the monitor to remain off during computer initialization and configuration there by reducing the power consumed by the monitor."

Thereafter on page 5, the Office Action states that "it is well known in the art that microcomputer such as MICOM in display 200 typically include read only memory and it would have been obvious to one of ordinary skill in the art to use the MICOMs ROM for storing Chaiken's EDID file."

Again, on page 5, the Office Action further states "[i]t would have been obvious...to locate/store the EDID file in the ROM of the monitors MICOM microcomputer in order to take

advantage of the microcomputers independent power source and display power management functionality."

Thus, in summary, the Office Action has indicated that because Chaiken et al. indicates that monitors can have a memory with EDID information, it would have been obvious to particularly place that memory in the MICOM of Kim et al. so that a computer connected to the monitor could boot-up without having to startup the monitor while still accessing the memory.

Again, this is a two-stepped leap of *first* adding the memory of Chaiken et al. to the monitor of Kim et al., and then *secondly* placing that memory within the *only* element within Kim et al. that is powered when the monitor is powered down.

However, the Office Action's second premise, that it would have been obvious to place the particular memory within the MICOM of Kim et al., would not appear to be supported by the record, other than the Examiners conclusion that such a placement would be beneficial, would work, and would accomplish the goals indicated.

Conversely, there is no particular reason in the record to move any placement of any memory of the monitor of Kim et al. to the MICOM, or to place a copy of such information in an additional memory within the MICOM of Kim et al.

The Office Action has placed the disclosed elements of the monitor system of Kim et al. in a vacuum, i.e., the Office Action has not taken into consideration that the monitor of Kim et al. may already have the above-indicated PROM or EPROM, e.g., associated with the video signal processor 220.

The video signal processor 220 of Kim et al. would mostly likely be the logical placement for such data.

For example, see the attached U.S. Publication 20070024607, particularly stating that such EDID data is integrally associated the video processing elements of a monitor.

In addition, the Office Action indicates that it would be desirable to have the monitor remain off while a PC is initializing "to save power".

However, this is the opposite of the focus of Kim et al., which emphasizes that power should be reduced upon inaction or non-activity, and power should be returned upon a return to action or activity. Thus, there would not appear to be a need to have the monitor off while initializing, at least based upon the disclosure of Kim et al.

Further, it would appear counter-intuitive for a monitor connected to a PC to be in an "off" mode when a computer is being initialized.

There appears to be a recent drive to increase the initializing process of computers so they boot up quicker and quicker, and with there being some required start-up time for monitors, it would not appear intuitive to keep the monitor off while trying to speed up the on-screen display to a user.

Similarly, with operating systems there is typically a substantial amount of information that may be provided to the user during the initializing process, to let the user know what processes of the initialization are being performed.

Thus, it would not appear obvious to keep the monitor off while initializing the PC.

The Office Action has also indicated that it is "well known" that microcomputers like the MICOM of Kim et al. have ROM memories. In this regard, applicants respectfully request the Examiner provide a reference supporting this interpretation and particularly point out the similarities between the relied upon MICOM that may have a memory and the MICOM of Kim et al.

Conversely to the Office Action's premise, it would appear that the MICOM of Kim et al. would preferably be as simple as possible, and the addition of a memory with such EDID data would only serve to complicate this MICOM. Further, as noted above, the MICOM of Kim et al. would not appear to be set forth in Kim et. al. for substantially more than the on/off controlling operation set forth in Kim et al.

Further, with the addition of the EDID data to the MICOM of Kim et al. the underlying physical structure of Kim et al. will most likely have to be changed, i.e., as noted above the monitor of Kim et al. probably already has a memory with such EDID data and electrical connection between the systems previously relying on that memory having to be reconfigured, or a duplicate of that memory will have to be made for placement in the MICOM of Kim et al.

Still further, counter to the Office Action's premise that it would have been obvious to add a memory to the MICOM of Kim et al, such an addition would actually appear to not be desirable.

This addition of the memory will increase costs, increase power usage, and increase complexity. All of these factors would appear to teach away from the proposed belief presented by the Examiner that it would have been obvious to add such a memory.

Lastly, as noted above, the Office Action's second obviousness rationale is not supported by the record of the present application.

Though the Office Action has provided a reference showing the use of EDID data in a monitor, and the placement of that data in a memory within a monitor, there is <u>no</u> evidence in the record <u>to place that memory with a MICOM being used to control on/off power supply for the remainder of the monitor.</u>

The remaining independent claims set forth similar features with differing scope and breadth.

Accordingly, withdrawal of this rejection and allowance of all pending claims is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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